

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.  
SECURITIES LITIGATION

CIVIL ACTION

No. 06-2596 (JRS)

CLASS ACTION

**PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE DEFENDANTS  
FROM INTRODUCING ANY EVIDENCE OF NON-PROSECUTION**

Plaintiffs hereby move the Court to preclude Defendants from introducing any evidence relating to the Government's non-prosecution of Herley Industries, Inc. and Lee Blatt. A memorandum of law in support of this motion, a proposed order and the Declaration of Jonathan Gardner are filed contemporaneously herewith.

Dated: April 7, 2010

Respectfully submitted,

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